

ORDINANCE NO. _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELMONT
ADOPTING A CONCEPTUAL DEVELOPMENT PLAN AND REZONE TO PLANNED
DEVELOPMENT FOR RELOCATION AND REHABILITATION OF A TWO-UNIT
RESIDENTIAL STRUCTURE (THE EMMETT HOUSE) AND CONSTRUCTION OF A
TWO-CAR DETACHED GARAGE AT 1000 O'NEILL AVENUE (APPL. NO. 2006-0090)**

WHEREAS, the City of Belmont, requests Conceptual Development Plan (CDP) and Rezone to Planned Development (PD) approval for relocation and rehabilitation of a two-unit residential structure (The Emmett House) and construction of a two-car detached garage at 1000 O'Neill Avenue; and,

WHEREAS, on May 29, 2007, the Redevelopment Agency & City Council, following notification in the prescribed manner, conducted public hearing(s), at which hearing the Redevelopment Agency & City Council considered public testimony and a staff report on the aforementioned requested entitlements; and,

WHEREAS, on May 29, 2007, the Redevelopment Agency of the City of Belmont finds the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA). An environmental impact assessment was prepared for the project and determined that the project would have a less than significant impact; and,

WHEREAS, the City Council hereby adopts the Redevelopment Agency staff report dated May 29, 2007, and the facts contained therein as its own findings of facts; and,

SECTION 1: NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Belmont, after consideration of all testimony and reports, the City Council hereby determines that the proposed Rezoning of the subject property to Planned Development (PD) and associated Conceptual Development Plan (CDP) for the proposed relocation and rehabilitation of the historic Emmett House achieves the objectives of the Zoning Plan and General Plan for the City for the following reasons:

1. The City Council believes the project is consistent with the Downtown Specific Plan Low Density Residential Objective: *Preserve the character of established low-density residential neighborhoods in the southwestern portion of the downtown.*

The proposed project would provide a below-market rate, two-unit residential uses through the relocation and rehabilitation of the historic Emmett House and providing a detached two-car garage for use by the tenants. In addition, the public will benefit through the provision of a creekside trail and passive recreation area. Based upon conceptual development plans submitted to the City, the proposed building would be consistent with the Downtown Specific Plan Low-Density Residential Objectives.

The proposed project would develop an existing vacant lot with new residential development, and would support the City's General Plan objective to preserve the community's historical resources, stimulate redevelopment efforts by promoting new construction on vacant lands in the downtown, and address the growing housing needs within the downtown specifically, and the Bay Area in general through the provision of two below-market rate rental units within walking distance of major commercial uses and mass transit facilities.

2. The City Council believes the project is consistent with the following policies of *Downtown Specific Plan Low Density Residential Section 5.8* as follows:

5.8.1 Location Policy. The Low Density Residential District shall apply to those parcels located on the block between Fifth and Sixth Avenues south of O'Neill Avenue, the large parcel located at the western terminus of O'Neill Avenue adjacent to Twin Pines Park, and the small parcels located at the corner of South Road and Hill Street in the northwest corner of the Planning Area, as shown on the Land Use Plan, Figure 3.3.

5.8.3 Development Intensity Policy. Residential development shall be permitted up to an intensity of 8 units per net acre (5,000 square foot lot minimum). One dwelling unit shall be permitted on each lot.

5.8.4 Minimum Lot Size Policy. The minimum lot size shall be consistent with existing parcel sizes within this District.

5.8.5 Setback Requirement Policy. Building setbacks of 15 foot front yard, 6 foot side yard, and 20 foot rear yard shall be provided and maintained to ensure privacy for residential units.

5.8.7 Building Height Policy. The maximum building height shall be 2 stories.

The proposed residential project would be located on northwest corner of the O'Neill and Sixth Avenue intersection, consistent with the provisions of Policy 5.8.1. Furthermore, the project proposes residential land uses that comply with the intention, direction, and spirit of Policies 5.8.3. Using the Policy's standard of a maximum residential density of 8 units per gross acre, the proposed project's two residential units would be consistent with the residential density prescribed by the Policy.

The proposed residential development meets DTSP Low Density Residential Objective 5.3.2.5 in that it would further the preservation of character in the established neighborhood and would further preserve and rehabilitate the historic Emmett House in an area with a mix of existing uses. The project, and other projects in the area, may further stimulate redevelopment efforts and address the growing housing needs within the City at a location southwest of the Village Center.

Policy 5.8.7 provides clear direction for building height limitations in Low Density Residential districts. The project's two-story structure would comply with the policy's provision for a maximum permissible height of two stories for residential buildings in the Downtown Specific Plan Area.

3. *The City Council finds that the project is consistent with General Plan Goal 2006.1 - To encourage location of new multiple family housing in relatively flat areas which have good access, service availability and compatible adjacent uses as follows:*

The proposed development is sited on land that is essentially flat, with the exception of the Belmont Creek area. The site is served by all utility providers and affords adequate ingress/egress and traffic circulation for commercial tenants/customers, residents of the units, and emergency services. The site is in close proximity to both commercial and residential uses which are compatible with the proposed two-unit residential project.

4. *The City Council finds that the project is consistent with General Plan Goal 2006.5 - To enhance the appearance of new housing development through site planning, design and landscaping as follows:*

The proposed site design would front the Emmett House in a parallel fashion along O'Neill Avenue. This orientation would provide an elegant entrance into the neighborhood.

5. *The City Council finds that the project is consistent with General Plan Policy 2007.2 - A variety of types and densities of residential uses should be provided to meet the needs of the different lifestyles and incomes of the people who live in the community as follows:*

The proposed development would be compatible with the character of the surrounding neighborhood. In particular, the proposed two-unit residential development will be consistent in relation to traffic generation, parking, and noise associated with existing uses in the area. The site location is close to both public transportation and commercial services. The project will add to the variety of neighborhood-serving commercial, institutional and residential character of the area. The provision of housing is necessary to provide alternative residential uses for the area and increase the housing stock for the City. The proposed development will provide greater opportunities to meet the different lifestyles and incomes of people living within the development and community.

Based on the above discussion, staff believes a specific finding can be made that the proposed Rezone of the subject site to Planned Development achieves the goals and objectives of the Zoning Ordinance and General Plan for the City.

WHEREAS, the City Council, after consideration of all testimony and reports, thereby determines that Belmont Zoning Ordinance Section 12.3.B (1-5) - Conceptual Development Plan (CDP) Findings - to establish a Planned Development (PD) Zone for the subject property and allow the proposed two-unit residential building are made in the affirmative for the following reasons:

1. *That the total development in each individual unit therein can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to the present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.*

The proposed development can remain an independent project without disturbing neighboring uses, since the project will be conditioned through performance standards and adherence to mitigation measures required in the Mitigated Negative Declaration. The objective of the RL Downtown Specific Plan designation and the R-1B zoning district is to encourage a mix of residential uses in the downtown area. The proposed development will provide needed residential housing and be compatible with existing uses in the neighborhood. Finding number one can be made in the

affirmative.

2. *That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and the density will not generate traffic in such amounts as to overload the street network outside the PD District.*

The location is in close proximity to a state highway and is bordered by local streets, is within easy walking distance to mass transit (SamTrans and CalTrain), and will be connected to the Village Center and neighboring downtown area by pedestrian-friendly sidewalks. On-site parking is adequate for the residential tenants and ample off-street parking is located on the driveway and garage approaches. The proposed use will not place an undue burden on existing transportation, utilities or services in the vicinity. The proposed use is served by two public streets, Sixth and O'Neill Avenues that are of capacity to carry the traffic generated by the proposed residential use. Staff believes this finding can be made in the affirmative.

3. *That any proposed commercial development can be justified economically at the locations proposed, to provide for adequate commercial facilities of the types proposed.*

The subject property is designated Residential-Low Density (RL) by the DTSP which encourages a mix of residential types and affordability levels. Such residential uses will support nearby commercial development; however, no commercial development will occur on the subject site. Finding number three can be made in the affirmative.

4. *That the economic impact created by the PD District can be absorbed by the City (police and fire service, water supply, sewage disposal, etc.).*

The proposed development will not significantly increase the City's costs in providing services to the project site, and the City will be able to absorb the economic impact created by the PD District. All service levels can be maintained to protect the public health, safety and welfare. Finding number four can be made in the affirmative.

5. *That the proposed off-street parking is in substantial conformance with the provisions of Section 8 of this Ordinance, that where an applicant's proposed off-street parking is less than that set forth by the standards of Section 8 of this Ordinance, circumstances are such that it would be a practical difficulty or create a physical hardship on the applicant for him to conform to the standards of Section 8.*

The proposed two-unit residential use building is located within a transition area between a residential and commercial area and on-street parking is available on O'Neill and Sixth Avenues adjacent to the site. The site is also served by mass transit; bus service along El Camino Real, and by CalTrain that could alleviate any potential parking demand.

The objective of the RL General Plan designation and the R-1B zoning district is to encourage a mix of low-density residential uses in the downtown area. In order to meet these objectives, development of a two-unit residential development on the subject site reduces the amount of land area available for potential future parking uses. The solution to reduce any potential on-street parking impacts on

the nearby residential area is to provide a long driveway and parking apron leading to the two-car detached garage to accommodate off-street parking demand.

The proposed parking layout provides the maximum possible number of spaces that can be accommodated on-site that is within practical means. Finding number five can be made in the affirmative.

WHEREAS, the City Council did hear and use their independent judgment and considered all said reports, recommendations and testimony herein above set forth.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the Conceptual Development Plan (CDP) and Rezone to Planned Development (PD) for relocation and rehabilitation of a two-unit residential building (The Emmett House) with a detached two-car garage at 1000 O'Neill Avenue, subject to the Performance Standards attached as Exhibit "A".

SECTION 2: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 4: The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

INTRODUCED this _____ day of _____, 2007.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2007.

AYES, DIRECTORS: _____

NOES, DIRECTORS: _____

ABSTAIN, DIRECTORS: _____

ABSENT, DIRECTORS: _____

RECUSED, DIRECTORS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont

(EXHIBIT “A”)

**PERFORMANCE STANDARDS
CONCEPTUAL DEVELOPMENT PLAN & REZONE TO PLANNED DEVELOPMENT
1000 O’NEILL AVENUE (APPL. NO.PA2006-0090)**

I. COMPLY WITH THE FOLLOWING CONDITIONS OF THE COMMUNITY DEVELOPMENT DEPARTMENT:

- A. The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions:

Planning Division

1. The Detailed Development Plan shall be consistent with the following design standards, which are derived from the plans on file in the subject file and date stamped March 29, 2007:
 - A. Minimum Lot Size. 13,025 square feet
 - B. Maximum Floor Area of Uses. First Floor Residential – 1,588 sf, 776 sf deck/porch, 135 sf stairs to grade; Second Floor Residential – 1,492 sf, 42 sf deck; Detached Garage – 608 sf. Entire PD – 4,506 sf.
 - C. Floor Area Ratio. 0.35
 - D. Residential Density. A maximum of 2 residential units, equivalent to 7 dwelling units per acre.
 - E. Minimum Setbacks and Building Separations: Setbacks from the public right-of-way and separations between buildings shall be no less than shown on the plans date stamped March 29, 2007 in the subject file.
 - F. Maximum Building Height: 37’-2” feet.
 - G. Off-Street Parking: Two garage spaces; two driveway spaces.
 - H. Landscaping: Minimum of 3,500 sf. of site area.
 - I. Open Space: Minimum of 1,954 sf.
 - J. Building Materials: The project shall include use of true materials, such as stone, wood, and/or glass.
2. All construction and related activities which require a City building permit shall be allowed only during the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, and

10:00 a.m. to 5:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. All gasoline powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.

3. Exterior building lighting shall not spill off the property or cause significant glare for adjacent properties. All external project lighting shall be downcast or upcast, shielded lighting designed to illuminate entry-ways only, with no direct visibility of the light source from the street.
4. Prior to issuance of building permits for the project, the applicant shall submit a full set of plans (as submitted for Planning Commission review) for peer review by the City Geologist who shall make findings as to additional conditions of project approval that may be imposed by the City Geologist to include, but not limited to, plan review by Geotechnical consultant during building permitting process and field inspection by Geotechnical consultant during construction as prescribed in the report.
5. Prior to issuance of building permits for the project, the applicant shall submit a detailed analysis of acoustical requirements to ensure that interior noise levels of 45 dBA (CNEL) or less are achieved in all residential units and that outdoor areas are designed to achieve the City's exterior noise guideline of 65 dBA (CNEL) for the residential uses.
6. Prior to issuance of building permits for the project, the applicant shall revised site plan and basement and floor layouts which shall be approved by Planning Commission.
7. Prior to issuance of building permits, authorized representatives of the property owner shall file with the Director of Community Development, on forms provided by the City, an acknowledgment that he/she has read, understands and agrees to these conditions of approval.
8. In accordance with the Belmont Zoning Ordinance, the permit(s) granted by this approval shall expire one (1) year from the date of approval, with said approval date indicated on the accompanying Planning Commission resolution. Any request for extension of the expiration date shall be made in accordance with the applicable provisions of the Belmont Zoning Ordinance.
9. In the event that this approval is challenged by a third party, the property owner and all assignees will be responsible for defending against this challenge, and agrees to accept responsibility for defense at the request of the City. The property owner and all assignees agree to defend, indemnify and hold harmless the City of Belmont and all officials, staff, consultants and agents from any costs, claims or liabilities arising

from the approval, including without limitation, any award of attorneys fees that might result from the third party challenge.

Building Division

1. Prior to any construction, the applicant or a designated representative shall obtain all of the required building permits for the project. Plans shall conform to approved plans and shall show building materials and color scheme.
2. Plans shall show/provide for: building materials and color scheme, trash enclosures/mechanical equipment, signage height, detailed landscape and irrigation plan, property maintenance, CC&Rs, archeology finds, transformers, fire standpipes, and back flow preventers.
3. Post hours of operation and phone numbers for noise complaints.

II. COMPLY WITH THE FOLLOWING CONDITIONS OF THE PUBLIC WORKS DEPARTMENT:

- A. The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions.
 1. Street widening, improvements, and dedications shall be in accordance with City Standards and specifications as required by the Department of Public Works.
 2. Streets, sidewalks and curbs in need of repair within and bordering the project shall be repaired and/or removed and replaced in accordance with the Department of Public Works approved standards. Photographs or video of before condition are recommended.
 3. New sidewalk, curb and gutter shall be installed in accordance with the Department of Public Works approved standards.
 4. The unused driveway shall be removed and replaced with sidewalk, curb and gutter in accordance with Department of Public Works approved standards.
 5. A commercial driveway approach shall be installed in accordance with Department of Public Works approved standards.
 6. The boundaries of a FEMA special hazard flood zone shall be shown on the grading and drainage plan.

7. Roof leaders and site drainage shall be directed to the City Stormwater drainage system. A dissipater box or other energy reduction method shall be used.
8. The owner/applicant shall submit a sanitary sewage plan. Flows from the proposed development shall be estimated and their impact on the existing City collection system analyzed. Mitigation measures may be required to upgrade the City system.
9. Roof downspout systems shall be designed to drain into designated, effective infiltration areas or structures (refer to Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection (available from BASMAA @ 510-622-2465)).
10. To control concentrated flow, drainage from paved surfaces, including streets, parking lots, driveways, and roofs, shall be routed through swales (also known as vegetated channels), buffer strips, or sand filters prior to discharge into the storm drain system. Sand filters shall be inspected and cleaned on a biannual basis. The property owner or association shall be responsible for inspection and maintenance.
11. The developer shall incorporate the following Best Management Practices (BMPs) for stormwater quality protection into site design to the extent that conditions allow. (Refer to the Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection (available from BASMAA @ 510-622-2465):
 - a. For walking and light traffic areas, permeable pavements shall be used where feasible. Typical pervious pavements include pervious concrete, porous asphalt, turf block, brick pavers, natural stone pavers, concrete unit pavers, crushed aggregate (gravel), cobbles and wood mulch.
 - b. Parking lots shall include hybrid surfaces (pervious material for stalls only), concave medians with biofilters (grassy swales), and landscaped infiltration/detention basins as feasible.
 - c. The landscape design shall incorporate biofilters, infiltration and retention/detention basins into the site plan as feasible.
 - d. For outdoor work areas including garbage, recycling, maintenance, storage, and loading, applicable stormwater controls include siting or set back from drainage paths and water ways, and provision of roofing and curbs or berms to prevent run on and run off. If the area has the potential to generate contaminated run off, structural treatment controls for contaminant removal (such as debris screens or filters) shall be incorporated into the design.
12. New buildings such as food service facilities and/or multi-family residential complexes or subdivisions shall provide a roofed and enclosed area for dumpsters and recycling containers. The area shall be designed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal.

13. The developer shall provide documentation from Mid-Peninsula Water District, PG&E, Pacific Bell, and AT&T Broadband cable TV that these utilities will provide service to the subdivision.
 14. The owner/applicant shall analyze the existing storm drain system from the property boundary to the outfall. On-site and off-site drainage facilities such as catch basins and storm drain pipes shall be designed to collect runoff from a storm of 10-year return frequency. Should any deficiency in this system be found that would be affected by increased runoff from the project site, the owner/applicant shall improve the downstream system or contribute a proportionate share of the cost for improvements as determined by the Public Works Department.
 15. The owner/applicant shall analyze the existing sewer system from the property boundary to the nearest pump station or main trunk line to determine its capacity to handle increased sewer flows from this development. Should any deficiency in this system be found, the owner/applicant shall improve the downstream system or contribute a proportionate share of the cost for improvements as determined by the Public Works Department.
 16. The applicant shall provide receptacles for recycling. Containers shall segregate glass, plastic and aluminum containers and paper. Property manager shall ensure these materials are recycled, such as by adding them to the regular recycle stream for on-site pick up by Allied Waste or by returning them for redemption.
 17. Applicant shall obtain a hauling permit. The hauling permit fee is based on the total amount of earth moved.
- B. The following conditions shall be met prior to the issuance of the first building permit (i.e., foundation permit) and/or site development permits except as otherwise specified in the conditions.
1. The property owner/applicant shall apply for and obtain temporary encroachment permits from the Department of Public Works for work in the City public right-of-way, easements or property in which the City holds an interest, including driveway, sidewalk, sewer connections, sewer clean-outs, curb drains, storm drain connections, placement of a debris box.
 2. Property owner/applicant shall apply for and obtain a grading permit from the Department of Public Works. The grading permit fee is based on the total amount of earth moved including cut and fill.
 3. All or a portion of the proposed improvements are located within a FEMA special flood hazard area. The applicant shall provide certification to the Public Works Department that the proposed construction meets all the FEMA requirements for construction within a flood zone.

4. Verify location of utility meters, valves, back flow preventers, and hydrants with appropriate utility company. Show relationship of each to site improvements, such as retaining walls.
5. The owner/applicant shall submit a grading plan prepared by a California-registered Civil Engineer in accordance with City Grading Ordinance, Chapter 9, Section 3 of the City Code, with a grading permit application, for approval by the Department of Public Works and Building Division prior to any grading or clearing being performed on-site.
 - a) The applicant should note that if the proposed grading meets one or more of the criteria outlined in Section 9-23 of the City Code, a Planning Commission review will be required. Caution: If the total grading quantity changes after Planning Commission approval, a new grading approval may be required. The applicant may choose to complete the grading plan and calculations early in the planning process to limit delays in scheduling this review. (See Section 9-28 of City Code for review process). The plan shall incorporate the following restrictions:
 - b) All soils stockpiled on the site during construction shall be covered or otherwise protected from wind and water erosion.
 - c) During construction, erosion and sedimentation control plans shall be implemented in order to retain sediments on-site.
 - d) Site grading and finished construction shall be designed and executed in such a manner as to avoid diverting runoff onto other properties.
 - e) Restrictions and recommendation of the Geologic and Soils report as approved by the City's Geologist.
6. The owner/applicant shall submit a dust control plan for approval by the Department of Public Works. To reduce dust levels, exposed earth surfaces shall be watered as necessary. The application of water shall be monitored to prevent runoff into the storm drain system. Spillage resulting from hauling operations along or across any public or private property shall be removed immediately. Dust nuisances originating from the contractor's operations, either inside or outside of the right-of-way shall be controlled.
7. A written report prepared by a Geotechnical Engineer shall be submitted in accordance with Section 9-36 of the City Code.
8. Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.
9. Sanitary sewer to include a back flow prevention device.
10. If PG&E is requiring the developer to put in the gas and/or electrical connection, then the developer must submit plans for the encroachment to the Department of Public Works.

11. The applicant shall submit an erosion and sedimentation control plan describing Best Management Practices (BMPs) to be used to prevent soil, dirt, and debris from entering the storm drain system. The plan shall include the following items:
 - a) A site plan showing the property lines, existing and proposed topography, and slopes; areas to be disturbed, locations of cut/fill and soil storage/disposal area; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourses or sensitive areas on-site or immediately downstream of project; and designated construction access routes, staging areas and washout areas.
 - b) Erosion and sediment controls to be used during construction, selected as appropriate from the California Regional Water Quality Control Board, San Francisco Bay Region Erosion and Sedimentation Control Field Manual (available from: Friends of the San Francisco Estuary, P.O. Box 791, Oakland, CA 94604-0791).
 - c) Methods and procedures to stabilize denuded areas and install and maintain temporary erosion and sediment control continuously until permanent erosion controls have been established.
 - d) Provision for preventing erosion and trapping sediment on-site, such as sediment basins or traps, earthen dikes, fiber rolls, silt fence, check dams, storm drain inlet protection, soil blankets or mats, covers for soil stock piles and/or other measures.
 - e) Provisions for installing vegetative cover in disturbed areas, including areas to be seeded, planted, and/or mulched, and types of vegetation proposed.
 - f) Provision for diverting on-site runoff around exposed areas and diverting off-site runoff around the project site (e.g., swales and dikes).
 - g) Notes, specifications, and/or attachments describing the construction, operation and maintenance of erosion and sediment control measures, including inspection frequency; methods and schedule for grading, excavation, filling clearing of vegetation and storage and disposal of excavated or cleared material; types of vegetative cover and mulch, including methods and schedules for planting and fertilization; and provisions for temporary and permanent irrigation.
12. All plans shall conform to the requirements of the City NPDES stormwater discharge permit and the San Mateo Stormwater Pollution Prevention Plan (STOPPP). The project plans shall include permanent storm water quality protection measures. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses to be conducted on-site to effectively prohibit the discharge of pollutants with storm water run-off. A Maintenance and Operation Agreement shall be prepared by applicant incorporating the conditions of this section.
13. The property owner shall install, operate, and maintain all permanent stormwater quality protection measures included in the approved project plan using qualified personnel. The property owner/applicant must keep a maintenance and inspection schedule and record to ensure that the treatment control measures continue to operate effectively.

Records must be provided to the Department of Public Works, on an annual basis, on or before June 30 of each year.

14. The developer shall provide to the first residents/occupants/tenants practical information materials (as furnished by the City) on good housekeeping for hazardous products, proper use and disposal of hazardous products, and prohibited discharge practices.
15. All landscaping shall be maintained and shall be designed with efficient irrigation systems to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
16. The property owner/association shall implement a trash management and litter control program including emptying trash receptacles in common areas, noting trash disposal violations by homeowners or business, and notifying violators.
17. The phrase "No Dumping-Drains to Bay" or equal phrase shall be labeled on new storm drain inlets by stenciling, branding, plaque or casting.
18. All on-site drain facilities must be inspected twice a year and cleaned immediately prior to the rainy season (prior to October 15) and once again during the rainy season. Results of inspection and cleaning shall be reported to the Department of Public Works on an annual basis on or before June 30 of each year.
19. Trash enclosures and dumpster areas must be covered and protected from roof and surface drainage. Drains within the trash enclosure will be connected to the sanitary sewer system.
20. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street or gutter.
21. The owner/applicant shall pay planned drainage fees in accordance with City ordinances.
22. All utilities to each lot including, but not limited to, electric power, telephone, cable television, and street lights, shall be provided underground.
23. The owner/applicant shall provide a traffic control plan for all construction staging and storage areas.
24. The owner/applicant shall provide an evaluation of the need for the construction of additional street lighting on all streets fronting the property.
25. The owner/applicant shall provide a plan showing all the site improvements and utility trench locations. The plan shall indicate the location of all the protected trees and

protection fences on site. No utility trench shall encroach within the protection fence areas.

- C. The following conditions shall be met prior to occupancy except as otherwise specified in the conditions.
 - 1. The property owner/applicant shall apply for and obtain an administrative permanent encroachment agreement from the Department of Public Works, for placement of non-standard materials (i.e., brick pavers) within the public right-of-way.
 - 2. After the City permits are approved but before beginning construction, the owner/applicant shall hold a preconstruction conference with Building and Public Works Department staff and other interested parties. The developer shall arrange for the attendance of the construction manager, contractor, and all subcontractors who are responsible for grading and erosion and sedimentation protection controls.
 - 3. Failure to comply with any permit condition may result in a “Stop Work” order or other penalty.
 - 4. The project includes construction or installation of stationary equipment that may cause air pollution. The applicant should contact the Bay Area Air Quality Management District (415-771-6000) to determine if an air quality permit is required.
 - 5. “As-built” drawings for any public improvement including streets, sewers, etc. shall be submitted to the City in AutoCAD on CD ROM.
 - 6. The owner/applicant shall ensure that applicable Best Management Practices (BMPs) from the San Mateo Stormwater Pollution Prevention Program (STOPP) are followed to prevent discharge of soil or any construction material into the gutter, stormdrain system or creek.
 - 7. The owner/applicant shall ensure that all construction personnel follow standard BMPs for stormwater quality protection during construction of project. These include, but are not limited to, the following:
 - a. Store, handle and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater.
 - b. Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, washwater or sediment, and non-stormwater discharges to storm drains and watercourses.
 - c. Use sediment controls, filtration, or settling to remove sediment from dewatering effluent.
 - d. Do not clean, fuel, or maintain vehicles on-site, except in a designated area in which runoff is contained and treated.

- e. Delineate clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses with field markers or fencing.
 - f. Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching or other measures as appropriate.
 - g. Perform clearing and earth moving activities only during dry weather (April 15 through November 14).
 - h. Limit and time applications of pesticides and fertilizers to prevent polluted runoff.
 - i. Limit construction access routes and stabilize designated access points.
 - j. Do not track dirt or other materials off-site; clean off-site paved areas and sidewalks using dry sweeping methods.
8. If construction is not complete by the start of the wet season (November 15 through April 15), prior to November 15 the developer shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions. As site conditions warrant, the Department of Public Works may direct the developer to implement additional winterization requirements.
9. The developer shall post maintenance bonds for all improvements to be dedicated to the City for a period of one year after the date of acceptance by the City.
10. The owner/applicant shall provide field survey data to permit retracing all survey monuments set to establish the street right-of-way both public and private. A copy of the final subdivision map including property liens, final contours, street improvements, parking, sewer and storm drains shall be provided using AutoCad drawing files (scale 1"= 2').
11. Connect storm drain pipe directly into the drain inlet on the street.
- III. COMPLY WITH THE FOLLOWING CONDITIONS OF THE BELMONT/SAN CARLOS FIRE DEPARTMENT:
- 1. An approved automatic fire sprinkler system meeting the requirements of the South County Fire Protection Authority's current ordinance shall be provided.
 - 2. Address numbers shall be illuminated and visible on all new buildings. Rear addressing is/may also be required. Size of lettering and illumination shall meet South County Fire standards.

IV. COMPLY WITH THE FOLLOWING CONDITIONS OF THE POLICE DEPARTMENT:

1. All activities shall be subject to the requirements of the Belmont Noise Ordinance.
2. No debris boxes or building materials shall be stored on the street.
3. Flag persons shall be positioned at both ends of blocked traffic lanes.
4. 24-hour written notice to the Police Department is required before any lane closure.

Certification of Approved Final Conditions:

Carlos de Melo, Community Development Director

Date